# **An example of a policy on FLEXIBLE WORKING**

## **Purpose and Scope**

In recent years there has been a growing demand for flexible working, both from individuals who want to achieve a better balance between their work and home life and from employers wanting to align their business needs with the way their employees work and service users /clients’ needs.

This policy has been written to explain the process which we will use to respond to requests by staff to vary hours, pattern or place of work. It applies to all eligible staff, regardless of whether you work full or part-time or have a temporary contract of employment. It does not apply to agency staff and office holders.

You have a statutory right to request a change to your contractual terms and conditions of employment to work flexibly provided you have been continuously employed with us for at least 26 weeks at the date the application is made.

## **Policy**

Our policy is to comply with both the spirit and the letter of the law on the right to request flexible working. To this end its aim is to inform all staff of their right to request flexible working and to ensure those rights are understood and that staff feel confident any decisions regarding their requests will be handled objectively, fairly, free from discrimination, and that staff will not be treated detrimentally because they have asked for flexible working arrangements.

## **Making the Request**

To apply for flexible working, please provide the following information in writing, and submit this to your manager:

* The date,
* A statement that this is a statutory request,
* Details of how you would like to work flexibly and when you want to start,
* An explanation of how you think flexible working might affect the charity and how this could be dealt with, e.g. if you’re not at work on certain days, and,
* A statement saying if and when you’ve made a previous application.

You can only make one statutory request in any 12 month period. You are asked to let us know if you are making the request because you consider the change could be a reasonable adjustment to support a disability. In such a case some of the requirements of this policy would not apply (i.e. the minimum period of service; one request per annum).

## **Responding to Your Request**

Once we receive your written request, we will arrange a discussion with you as soon as possible, unless we agree immediately to your request. It may be that we need to ask you to supply further details before the meeting. If there is likely to be a delay in discussing your request we will inform you. You may be accompanied at the meeting by a work colleague.

Your request will be fully discussed at the meeting. We will carefully consider your request looking at the benefits of the requested changes on working conditions for you as an employee and the charity and weighing these against any adverse impact of implementing the changes.

Having considered the changes you are requesting and weighing up the advantages, possible costs and potential logistical implications of granting the request, we will write to you with the decision. The decision will be either:

* To accept the request and establish a start date, with or without a trial period and review date. Where the request is granted we will set out what changes will be made to your terms and conditions of employment, or,
* To propose an alternative, which may require further discussion, or,
* To confirm a compromise agreed at the discussion, or,
* To reject the request, setting out the reasons, how these apply to the application and the appeal process.

Requests to work flexibly will be considered objectively, however we may not always be able to grant a request to work flexibly if it cannot be accommodated. If we turn down your request, it will be because of one, or a combination of the following reasons, and we will explain why.

* The burden of additional costs is unacceptable to the charity
* Detrimental effect on ability to meet service user / customer demand
* Inability to re-organise work among existing staff
* Inability to recruit additional staff
* Detrimental impact on quality
* Detrimental impact on performance
* Insufficiency of work during the periods the employee proposes to work
* Planned structural changes to the charity

If you are only looking for an informal change for a short period to your working hours or conditions, for instance to pursue a short course of study, we may consider allowing you to revert back to your previous conditions after a specified period, e.g. three months, or after the occurrence of a specific event, such as the end of a course of study.

You must be aware that if your request is approved you do not have a statutory right to make a further request for a period of 12 months, although you may still ask without the statutory right.

## **Timeframe for Dealing with Requests**

We will do what we can to deal with requests in a timely manner although the law requires the consideration process to be complete within three months of first receiving a request, including any appeal. If the request cannot be dealt with within three months, we may ask to extend the consideration process, provided you agree to the extension.

## **Handling Requests in a Fair Way**

We may receive more than one request to work flexibly closely together from different employees and it may or may not be possible to accept all requests. If we agree to a request for flexible working arrangements this does not meant that we can also agree to a similar change for another employee. Each case will be considered on its merits looking at the business case in the order they have been received. We may need to take others’ contractual terms into account and we may ask you if there is any room for adjustment or compromise before coming to a decision.

## **Appealing the Decision**

If we decline your request and you wish to appeal, you must do so, in writing, within 5 days of receiving the letter informing you of the outcome. We will then write to you to arrange a meeting to discuss your appeal. This meeting will be held as soon as reasonably possible and will normally be with the Chief Executive. You have the right to be accompanied at that meeting by a work colleague.

There may be circumstances when the Chief Executive is unable to meet within the required timeframes, in which case a meeting will be held as soon as is practically possible.

## **The Effect on Your Contract of Employment**

Any change in your hours or pattern of work will normally be a permanent change to your contractual terms and conditions. This means that you will not automatically be able to revert back to the previous working pattern (unless otherwise agreed). So, for example, if your new flexible working pattern involves working reduced hours, you will not automatically be able to revert to working full time hours.

Changes to your working pattern may affect other terms and conditions of employment. For example, reducing your hours of work will mean that your pay and leave will be pro-rated accordingly. Your pension may also be affected.

Any changes to your terms and conditions as a result of a change to your working pattern will be confirmed in your decision letter, however if you have further queries about how a proposed change to your pattern of work might affect your terms and conditions please speak to your line manager.

## **Data protection**

When managing a flexible working request, we will process personal data collected in accordance with the [data protection policy](https://www.xperthr.co.uk/policies-and-documents/data-protection-policy-compliant-with-the-gdpr-/162690/). Data collected from the point at which we receive a flexible working request is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their request for flexible working. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

**Important notice**

This is an example of an employment policy designed for a small not-for-profit employer adhering to statutory minimum requirements and does not constitute legal advice. As with all policies it should be consistent with your terms and conditions of employment as well as your culture and aspirations. There is no one size fits all!